

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Innocence Project, Inc.,

Plaintiff,

—v—

National Museum of Health and Medicine, *et al.*,

Defendants.

OCT 31 2019

19-cv-1574 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The Court is in receipt of Plaintiff's request to authorize disclosure of a particular document, which the Government claims is subject to the Privacy Act. Dkt. No. 43. Assuming the document is subject to the Privacy Act, the Court acts pursuant to its authority under 5 U.S.C. § 552a(b)(11) to authorize Plaintiff to file the document under seal in its client's state post-conviction proceeding. Nothing in this Order prevents the state court from authorizing further disclosure.


Plaintiff's request to disclose the document without conditions remains under consideration. Plaintiff is hereby ordered to give notice to both the author and the subject of the document in question of its request. *See Laxalt v. McClatchy*, 809 F.2d 885, 889 (D.C. Cir. 1987) (when asked to grant disclosure under 5 U.S.C. § 552a(b)(11), the court "should also consider, in its discretion, the wisdom of notifying the affected parties"). Plaintiff shall serve all relevant documents from this proceeding on both of these individuals and file proof of service with the Court. If either individual seeks to oppose disclosure of the document without conditions, they may file briefing doing so no later than 21 days after service. Plaintiff may file

Reply briefing one week after the submission of any opposition briefing.

Finally, Plaintiff's sealing requests, Dkt. No. 44, are granted, with the exception of Exhibit D. That exhibit consists solely of the bylaws of the American Academy of Forensic Science. The Court sees no reason why this document should be filed under seal.

SO ORDERED.

Dated: October 31, 2019
New York, New York



ALISON J. NATHAN
United States District Judge